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VIA FACSIMILE - 7 PAGES (Including This Cover)

Commissioner for Patents
POB 1450, Alexandria, VA 22313-1450
Attention: B. Sisson, Group AU 1634
Transmitted to TC 1600 BEFORE FINAL Fax No. 703-872-9306

Re: OSHIDA *et al.*, Serial No. 09/678,652RCE
Attorney Docket No. 500.39147X00
USPTO Conf. No. 7028

SUBMISSION OF STATEMENTS OF SUBSTANCE

Sir:

Applicant hereby formally submits the attached "Statements of Substance" (6 pgs.) in the above-identified application.

CERTIFICATE OF TRANSMISSION:

I hereby certify that the attached **"Statements of Substance" (6 pgs.)** is being **FORMALLY** filed in the USPTO via TC 1600 BEFORE FINAL Fax No. 703-872-9306 on **15 October 2003**.

Patricia J. Jaquett

500.39147X00/E5532-01EX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yoshitada OSHIDA *et al.*

Serial No.: 09/678,652RCE

Filed: 4 October 2000

For: METHOD OF INSPECTING A DNA CHIP AND AN APPARATUS THEREOF

OFFICIAL

Group: 1634

Examiner: Bradley L. Sisson

Conf. No.: 7028

STATEMENTS OF SUBSTANCE

Mail Stop RCE
Commissioner for Patents
POB 1450
Alexandria, VA 22313-1450

15 October 2003

Sir:

The following Statements of Substance of Interview is respectfully submitted.

STATEMENTS OF SUBSTANCE/EXAMINER INTERVIEWS ACKNOWLEDGED

The following pertains to the personal and telephonic Examiner Interviews held by and between primary Examiner Bradley L. Sisson and Applicant's representative Paul J. Skwierawski, Reg. No. 32,173, a personal Interview conducted at the Examiner's Office on 9 September 2003, and a telephonic Interview conducted on 29 September 2003. Applicant and the undersigned representative gratefully acknowledge such Interviews, and thank the Examiner for the same.

An Examiner's Interview Summary mailed 15 September 2003 is directed to the personal Examiner Interview held 9 September 2003 between Applicant's

representative and the primary Examiner. In the 9 September Interview, as set forth in the Continuation Sheet PTOL-413 attachment:

- the primary Examiner contended that the claims did not contain sufficient features/limitations, and made suggestions as to additional claim features/limitations;
- the primary Examiner further contended that the claimed method may not be sufficiently supported by the written description, and made general reference to the breadth of Claim 1;
- the primary Examiner also questioned the type of information gathered by the claimed method, interpretation of the information gathered, and its end use;
- the primary Examiner further questioned the one-dimensional configuration of lights in Claim 2, indicating that he considered one-dimensional to be a single point;
- the primary Examiner also questioned the use of the phrase "oblique incident angle" in Claim 11, indicating that he considered oblique to be an angle less than ninety degrees; and
- Applicant's representative indicated that a proposed amendment to the claims would be promptly forwarded to the Examiner for consideration and discussion.

Although the substance of the 9 September 2003 Interview is accurate as indicated in the Continuation Form PTOL-413 attachment to the Examiner Interview Summary mailed 15 September 2003, Applicant submits the following comments for the record:

- Applicant will adopt appropriate ones of claim features/limitations as suggested by the primary Examiner in a preliminary RCE Amendment to be filed shortly;
- while the primary Examiner only has made vague, unsupported contentions that the claimed method may not be supported by the application as filed, there has been no

specific element, point or feature of the claimed invention which has been shown in fact to be "unsupported by the written description," so Applicant cannot address such sweeping and indefinite allegation, the breadth of Claim 1 not withstanding;

- examples of information gathered are given from the very beginning and throughout the written description, *e.g.*, at page 2, lines 7 and 8, lines 11-13, and lines 18-21, though as to the end use of this invention, such an example listing might well entail a greater volume than the present application itself;

- the primary Examiner is mistaken in the belief that "one-dimensional" refers to a single point, since one dimension must by definition contain at least two points to define the plane of dimension, as defined by a segment, ray, line, arc, etc., and the Applicant attaches the definition of "dimension" for assistance to the Examiner;

- the primary Examiner also is mistaken in his believe that an oblique angle is an angle less than ninety degrees, since an oblique angle may be acute or obtuse, just not ninety degrees or is multiples, and the Applicant again attaches the definition of "oblique angle" for assistance to the Examiner; and

- Applicant presented a proposed amended Claim 1 to the Examiner via facsimile transmission on 16 September 2003.

An Examiner's Interview Summary mailed 29 September 2003 is directed to the telephonic Examiner Interview held 24 September 2003 between Applicant's representative and the primary Examiner. In the 24 September Interview, as set forth in the Continuation Sheet PTOL-413 attachment:

- the primary Examiner pointed out a few inconsistencies and informalities with regard to the proposed amended Claim 1;

- the primary Examiner further suggested rewriting the claim to be directed to the inspection of hybridized target DNA rather than the inspection of a chip;

- the primary Examiner also suggested rewriting the claim in Jepson format; and

- Applicant's representative indicated that a completed and clarifying Preliminary Amendment would be promptly forthcoming.

Although the substance of the 24 September 2003 Interview is accurate as indicated in the Continuation Form PTOL-413 attachment to the Examiner Interview Summary mailed 29 September 2003, Applicant submits the following comments for the record:

- Claim 1 will be reviewed and carefully amended to adopt the appropriate ones of the Examiner's helpful suggestions for curing the inconsistencies and indefinite features.

CONCLUSION

A Preliminary RCE Amendment will be filed shortly prior to a first Action on the merits in the subject application. No Petition or fee is required or possible for entry of this paper. Please charge any shortage in the fees due in connection with the filing of this paper to ATS&K Deposit Account No. 01-2135 (500.39147X00).

Respectfully submitted,

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ATTACHMENTS:
Definition of "dimension" (one page)
Definition of "oblique angle" (one page)

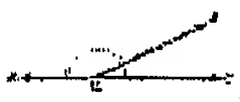
The Columbia Encyclopedia, Sixth Edition. 2001.

dimension, in mathematics

in mathematics, number of parameters or coordinates required locally to describe points in a mathematical object (usually geometric in character). For example, the space we inhabit is three-dimensional, a plane or surface is two-dimensional, a line or curve is one-dimensional, and a point is zero-dimensional. By means of a coordinate system one can specify any point with respect to a chosen origin (and coordinate axes through the origin, in the case of two or more dimensions). Thus, a point on a line is specified by a number *x* giving its distance from the origin, with one direction chosen as positive and the other as negative; a point on a plane is specified by an ordered pair of numbers (*x*,*y*) giving its distances from the two coordinate axes; a point in space is specified by an ordered triple of numbers (*x*,*y*,*z*) giving its distances from three coordinate axes. Mathematicians are thus led by analogy to define an ordered set of four, five, or more numbers as representing a point in what they define as a space of four, five, or more dimensions. Although such spaces cannot be visualized, they may nevertheless by physically significant. For example, the quadruple of numbers (*x*,*y*,*z*,*t*), where *t* represents time, is sometimes interpreted as a point in four-dimensional space-time (see relativity). The state of the weather or the economy, in current models, is a point in a many-dimensional space. Many features of plane and solid Euclidean geometry have mathematical analogues in higher dimensional spaces.

The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.

oblique angle



NOUN: An angle, such as an acute or obtuse angle, that is not a right angle or a multiple of a right angle.

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< oblique oblique rhyme >

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